

Please find below updates on legislative activities in Austin and Washington. (*To access links below, control+click on link.*)

## Austin Update

### 2021 Legislative Session – What’s Next?

**July 8** – 1<sup>st</sup> called Special Session Begins (30 days)

**August 6** – Last Day of the 1<sup>st</sup> Special Session

**August 7** – 2<sup>nd</sup> called Special Session Begins (30 days)

### Governor Abbott Calls 2<sup>nd</sup> Special Session

Governor Greg Abbott has committed to calling special session after special session until the Democrats return from Washington, D.C., and provide the quorum that the House needs to pass the elections legislation. Following through on this commitment, Governor Abbott signed a Proclamation (attached) calling a second special session to convene at noon, Saturday, August 7<sup>th</sup>. The Governor’s Proclamation outlines the following 17-item agenda:

- **BAIL REFORM:** Legislation reforming the bail system in Texas to protect the public from accused criminals who may be released on bail.
- **ELECTION INTEGRITY:** Legislation strengthening the integrity of elections in Texas.
- **FEDERAL RELIEF APPROPRIATIONS:** Legislation providing appropriations from unappropriated available revenues for COVID-19-related healthcare expenses, taking into consideration the approximately \$10.5 billion in funds received by local governments intended to be used on COVID-19 from the American Rescue Plan Act of 2021 (ARPA).
- **EDUCATION:** Legislation providing strategies for public-school education in prekindergarten through twelfth grade during the COVID-19 pandemic.
- **BORDER SECURITY:** Legislation enhancing criminal laws or providing funding from unappropriated available revenues to support law-enforcement agencies, counties, and other strategies as part of Texas’ comprehensive border security plan.
- **SOCIAL MEDIA CENSORSHIP:** Legislation safeguarding the freedom of speech by protecting social-media and email users from being censored based on the user’s expressed viewpoints, including by providing a legal remedy for those wrongfully excluded from a platform.
- **ARTICLE X FUNDING:** Legislation providing appropriations from unappropriated available revenues to the Legislature and legislative agencies in Article X of the General Appropriations Act.
- **FAMILY VIOLENCE PREVENTION:** Legislation similar to Senate Bill 1109 from the 87th Legislature, Regular Session, requiring schools to provide appropriate education to middle- and high-school students about dating violence, domestic violence, and child abuse, but that recognizes the right of parents to opt their children out of the instruction.
- **YOUTH SPORTS:** Legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87th Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student’s sex at birth.
- **ABORTION-INDUCING DRUGS:** Legislation similar to Senate Bill 394 from the 87th Legislature, Regular Session, which prohibits people from providing abortion-inducing drugs by mail or delivery service, strengthens the laws applicable to the reporting of

abortions and abortion complications, and ensures that no abortion-inducing drugs are provided unless there is voluntary and informed consent.

- **THIRTEENTH CHECK:** Legislation similar to House Bill 3507 from the 87th Legislature, Regular Session, relating to a “thirteenth check” or one-time supplemental payment of benefits under the Teacher Retirement System of Texas.
- **CRITICAL RACE THEORY:** Legislation similar to House Bill 3979 concerning critical race theory as originally passed by the Texas Senate in the 87th Legislature, Regular Session.
- **APPROPRIATIONS:** Legislation providing appropriations from unappropriated available revenues for the following purposes: property-tax relief; enhanced protection for the safety of children in Texas’ foster-care system by attracting and retaining private providers for the system; and to better safeguard the state from potential cybersecurity threats.
- **PRIMARY ELECTIONS:** Legislation modifying the filing periods and related election dates, including any runoffs, for primary elections held in Texas in 2022.
- **RADIOACTIVE WASTE:** Legislation reforming the laws governing radioactive waste to protect the safety of Texans, including by further limiting the ability to store and transport high-level radioactive materials in this state.
- **EMPLOYMENT:** Legislation shielding private employers and employees from political subdivision rules, regulations, ordinances, and other actions that require any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, or scheduling practices.
- **STATE LEGISLATURE:** Legislation relating to legislative quorum requirements.

The new items on the call also include legislation to protect Texans from radioactive waste and to change the timeline for the 2022 primary elections. The latter item is likely because primaries will have to be pushed back due to delays in the redistricting process. The item on changing the rules around quorums comes after Lt. Gov. Dan Patrick called on Governor Abbott to add an item that will allow the Legislature to address legislation that would lower the threshold for each chamber to conduct business from two-thirds of members to a simple majority. That would require a state constitutional amendment and thus a two-thirds vote on each chamber.

## Washington Update

### US Senate Works on Amendments to Bipartisan Infrastructure Legislation

This week the US Senate began consideration of the long-awaited bipartisan infrastructure legislation, the Infrastructure Investment and Jobs Act (HR 3684). Over 400 amendments have been filed for consideration. While not all amendments will receive a vote, Senator John Cornyn is actively working on two amendments that are of specific interest to the City of Galveston. The Senate Majority Leader, Senator Charles Schumer (D-NY), has hinted he will seek a vote to close debate and move to a final vote on the bill over the weekend.

**Senate Amendment 2518, Cornyn-Kaine Amendment Summary:** Provides a correction to the Bipartisan Budget Act of 2018 to ensure the small urbanized status for the City of Galveston for federal FY 2022 until the Federal Transit Administration fully implements decennial census data in apportionment calculations. In addition, this amendment, cosponsored by Senator Cornyn and Senator Tim Kaine (D-VA), would grant similar discretionary authority to the Secretary of

Transportation for small urbanized areas that current law provides for the Secretary of Housing and Urban Development for small entitlement communities when faced with population loss due to a natural disaster. Under Senate Amendment 2518 (attached), on request by the Governor of a state in which an urbanized area experiences a disaster-related population decrease, the Secretary may elect to continue to treat the area as an urbanized area. This week the Florida League of Cities, League of California Cities, Virginia Transit Association, and Oregon Transit Association have communicated to their senators their support for the Cornyn-Kaine amendment.

**Senate Amendment 2155, Cornyn-Padilla Amendment Summary:** Given that the American Rescue Plan Act made water, wastewater, and broadband infrastructure eligible for COVID funds, Senator Cornyn and Senator Alex Padilla are cosponsoring an amendment that would provide additional flexibility for States, Tribes, and Local Government to spend their allocations of the Coronavirus State and Local Fiscal Recovery Funds. Senate Amendment 2155 does not place spending mandates on recipients of COVID funding and does not reclaim any distributed funding. It simply gives state and local officials additional flexibility to responsibly spend their own funds.

Several organizations are backing the Cornyn-Padilla Amendment including: National Governor's Association, National Congress of American Indians, the U.S. Conference of Mayors, the National League of Cities, American Road & Transportation Builders Association, National League of Cities, Association of Metropolitan Planning Organizations, American Association of State Highway and Transportation Officials, American Public Transportation Association, Associated General Contractors of America, National Association of Development Organizations, Associated Equipment Distributors, American Subcontractors Association, American Highway Users Alliance, Government Finance Officers Association, Design-Build Institute of America, National Association of Surety Bond Producers, National Stone, Sand and Gravel Association, American Traffic Safety Services Association, American Public Works Association, American Concrete Pipe Association, National Ready Mixed Concrete Association, National Association of County Engineers, American Concrete Pavement Association, American Foundry Society, and National Association of Regional Councils.

There is a cap—the greater of \$10 million or 30% of the funds—on how much of the COVID money can be spent on these new purposes (though the previous American Rescue Plan set asides for water, wastewater, and broadband remain unrestricted). Any project currently eligible for funding under the following programs would now be eligible for financing with COVID relief dollars (under all of the existing statutory terms and conditions of those programs):

- Nationally Significant Freight and Highway Projects
- National Highway Performance Program
- Bridge Investment Program
- Surface Transportation Block Grant Program
- Metropolitan Transportation Planning
- Highway Safety Improvement Program
- Congestion Mitigation and Air Quality Improvement Program
- Alternative Fueling Infrastructure
- Territorial and Puerto Rico Highway Program
- National Highway Freight Program

- Rural Surface Transportation Grant Program
- Carbon Reduction Program
- PROTECT Program
- Tribal Transportation Program
- Federal Lands Transportation Program
- Federal Lands Access Program
- RAISE Grant Program
- TIFIA Program
- ADHS Program
- Urbanized Area Formula Grants
- Fixed Guideway Capital Investment Grants
- Formula Grants for Rural Areas
- State of Good Repair Grants
- Grants for Buses and Bus Facilities
- National Culvert Removal, Replacement, and Restoration Program
- Community Development Block Grant
- Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program